



BILL NO: SB 27

TITLE: Criminal Procedure – Restorative Justice Program

COMMITTEE: Judiciary

HEARING DATE: February 2nd, 2023

POSITION: UNFAVORABLE

ABOUT: The Maryland Human Trafficking Task Force (MD-HTTF), formed in 2007, is a collaborative of multiple disciplines, including law enforcement, prosecutors, victim service organizations, and state government agencies.

MD-HTTF is incredibly supportive of the idea of utilizing restorative justice and restorative practices in the criminal justice system. However, *the bill does not take a victim-centered approach*. At its most basic, restorative justice is about repairing harm that was caused to a victim or victims by criminal behavior. While sometimes used after conviction, it is most often used as a diversionary tool.

By permitting, as SB 27 would, a person who was convicted of a crime and sentenced to incarceration to initiate a restorative justice process is counter to a victim-centered approach. *Only a victim should be able to initiate the process*. It could be incredibly psychologically harmful to a victim and triggering for them to have the person convicted of committing a crime that they were the victim of initiating the process. Senate Bill 27 allows a trafficker to initiate unwanted contact with a survivor of their victimization.

Senate Bill 27 does not appreciate the differences present in power-based violence, such as human trafficking, sexual assault, domestic violence. There is no training required for those that would be administering the restorative process to account for the unique dynamics present in power-based violence to protect the victim from the power, control, and intimidation tactics used. It also does not account for the possible external influences such as family members of the offender coercing a victim into participating in a restorative process.

As a practical matter, SB 27 would house the Restorative Justice Program in the Governor's Office of Crime Prevention, Youth, and Victim Services (GOCPYVS). This agency is currently experiencing staffing shortages and does not provide any direct victim services.

There are several additional concerns that the MD-HTTF has regarding the bill. These include the following: preventing offenders from manipulating the system to learn of the survivor's whereabouts, how information learned during the restorative justice process can be used, qualifications for facilitators including requiring professional licensure as well as training, whether certain power-based crimes should have additional limits or protections during the process such as family violence, sex trafficking, etc, limiting access to restorative justice for serial offenders, ensuring survivors have appropriate supports, the requirement that court files be disclosed which may include sealed documents, including access to a support person most critically access to crime victim rights counsel.

We are committed to exploring options for restorative justice but *there must be necessary safeguards for victims that are not present in the legislation*. There also must be significant input from the many victim communities that this bill would impact including the MD-HTTF, survivors and advocates for sexual assault, survivors and advocates for domestic violence, survivors and



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advocates for victims of child abuse, elder abuse, victims of gun violence and the numerous other victim communities that this bill would impact. We welcome continued conversations to develop a restorative justice framework in Maryland.

For the above stated reasons, the **Maryland Human Trafficking Taskforce** urges an **unfavorable report on SB 27**.